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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,041	11/08/2001	Rodger H. Rast	IDOSE_01	6433

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EXAMINER

PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,041	RAST	
	Examiner	Art Unit	
	John R Paradiso	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 36-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 36-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments files 3/8/2004 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-8 and 36-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over COLLELA ET AL (US 6003006) in view of YUYAMA ET AL (US 5946883).

COLLELA ET AL discloses a system of providing doses of medications. A computer system (10) controls operation at a pill repository (12) where pills are dispensed and packets are filled, and also dosages, schedules, and other information (20, 24) kept at a central facility and accessed via remote communications (22). The computer system includes an interface to enter the claimed information. (See COLLELA ET AL, Fig. 1 and col. 3-4.)

COLLELA ET AL does not disclose filling and labeling the packets for an individual dose according to scheduled dosages.

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YUYAMA ET AL discloses a system for dispensing individual doses of medications, packaging those medications into containers according to individual needs / schedules, and labeling the container with individual data, including dosage schedules (See YUYAMA ET AL Fig. 32-33.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of COLLELA ET AL to package and label the doses of medicine according to individual requirements, as taught by YUYAMA ET AL, in order to eliminate a third-party middleman between the dispensing and the consumer.

Regarding claim 3 and 43, the individual packets are labeled. (See Fig. 3A.)

Regarding claim 4, 44, and 57, the combination of COLLELA ET AL and YUYAMA ET AL does not disclose the interface as being a website. However, connection between computers via a modem (as disclosed in COLLELA ET AL) and connection between computers via a website are both art-recognized equivalents in the electronic communications art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of COLLELA ET AL and YUYAMA ET AL by using a website to allow users to communicate with the computer system in order to allow communication from anywhere with an internet connection.

Regarding claim 7, 41, and 47, the online payment of bills and purchases is well known in the electronic communication art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of COLLELA ET AL and YUYAMA ET AL to include online payment for the dispensed and packaged medications in order to make payment more secure and convenient for consumers.

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Regarding claim 37 and 52, sorting packages according to date is a well known manual procedure for any type of stock clerking or office management setting and it would have been obvious to one of ordinary skill in the art at the time the invention was made to automate this procedure to reduce workload on personnel, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 199.

Regarding claim 54, the use of multiple processors connected in parallel to speed computation and computing is well known in the data processing art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect as many computers in parallel as necessary to handle the workload for the system at any given product rate.

Reference Citations

4. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- FELLOWS ET AL discloses a system for computerized ordering and distributions.
- SAHAI ET AL discloses a system of onsite distribution and computerized tracking for medications.
- McLAUGHLIN discloses a system of dispensing and labeling medications with alerts to indicate problems.
- HASELTINE ET AL discloses a system for online payment of bills.
- CONKLIN ET AL discloses a system for online payment for purchases.

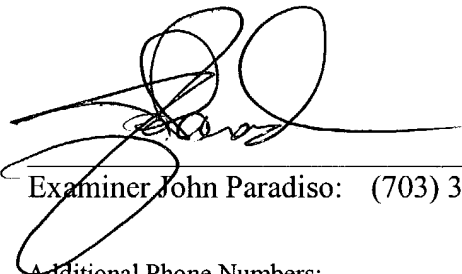
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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (703) 308-2825

June 1, 2004

Additional Phone Numbers:

Supervisor Rinaldi Rada: (703) 308-2187
TC 3700 Receptionist: (703) 308-1148
Customer Service: (703) 306-5648
Fax (directly to Examiner) (703) 746-3253
Fax (Official): (703) 872-9306